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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHOJNACKI, MELLISSA M

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/611,365	WANG ET AL.
	Examiner	**Art Unit**	
	Mellissa M. Chojnacki	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to communications filed on March 14, 2006, no claims are cancelled;

claims 3, 8-9, 28, 30 have been amended, and new claims 31-37 have been added.

Therefore, claims 1-37 are still presently pending in the application.

Claim Objections

2.   Claim 34 is objected to because of the following informalities: "a n" should be

changed to "an". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-6, 13-15, 20-21, 23-24, 29-35 and 37 are rejected under 35

U.S.C. 102(b) as being anticipated by Lewis et al., (U.S. Patent Application Publication

No. 2004/0116119).

As to claim 1, Lewis et al. teaches a method for updating network appliances

(See abstract; paragraph 005; paragraph 0013, where "appliances" is read on "device"),

comprising: determining an urgent update (See paragraph 005; paragraph 0013;

paragraph 0031; paragraph 0075); creating an urgent update notification (UUN)

associated with the urgent update (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075); sending the UUN to the network appliances as messages (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075); and providing the urgent update to the network appliances (See abstract; paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075).

As to claims 2, 23 and 33, Lewis et al. teaches wherein sending the UUN to the network appliances as messages further comprises sending the messages through specific message ports of the network appliances (See paragraph 0002; paragraph 0068; paragraph 0070; paragraph 0073); wherein the update server is further configured to send the UUN as a message to each network appliance through a specific message port (See paragraph 0002; paragraph 0068; paragraph 0070; paragraph 0073); wherein the network appliance comprises a message port arranged to receive messages, including messages comprising an UUN (See paragraph 0002; paragraph 0068; paragraph 0070; paragraph 0073).

As to claims 3 and 14, Lewis et al. teaches wherein at least one of the network appliances is a message protector configured to protect messages of a specific protocol, and wherein at least one of the messages is conformed to that specific protocol and at least one of the message ports is dedicated to that protocol; wherein the message conforms to a specific protocol and is received through a message port

dedicated to that protocol (See paragraph 0031; paragraph 0033).

As to claims 4 and 15, Lewis et al. teaches wherein at least one of the messages

is a SMTP conformed message and at least one of the message ports is port 25 (See

paragraph 0107); wherein the protocol includes a SMTP protocol and the message port

includes port 25 (See paragraph 0107).

As to claim 5, Lewis et al. teaches wherein each message includes a special

format that distinguishes it from normal messages (See paragraph 0031; paragraph

0099; paragraph 0124).

As to claim 6, Lewis et al. teaches wherein the special format includes at least

one of a special header, a special subject line, and special content in the body of the

message (See paragraph 0099; paragraph 0124).

As to claim 12, Lewis et al. teaches wherein the method is operable on at least

one of a server, a network appliance, and a dedicated platform (See abstract;

paragraph 0031).

As to claim 13, Lewis et al. teaches a method for obtaining updates, comprising:

receiving a message (See paragraph 005; paragraph 0013; paragraph 0031; paragraph

0075); in response to determining that the message includes an UUN associated with

an urgent update (See paragraph 005; paragraph 0013; paragraph 0031; paragraph

0075 where "appliances" is read on "device"), immediately establishing a connection

with a server (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075);

obtaining the urgent update from the server; and installing the urgent update (See

paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075 where "appliances"

is read on "device").

As to claim 20, <u>Lewis et al.</u> teaches wherein the method is operable on at least

one of a server, a network appliance, a router, a switch, and a firewall (See abstract;

paragraph 0014; paragraph 0031).

As to claim 21, <u>Lewis et al.</u> teaches a system for managing a network (See

abstract), comprising: an update server configured to determine updates and to provide

the updates to network appliances (See paragraph 005; paragraph 0013; paragraph

0031; paragraph 0075 where "appliances" is read on "device"), the update servers being

further configured to determine an update that is urgent and to send an UUN about the

urgent update to each network appliance (See paragraph 005; paragraph 0013;

paragraph 0031; paragraph 0075); a network appliance configured to periodically obtain

updates from the update server (See paragraph 005; paragraph 0013; paragraph 0031;

paragraph 0075), the network appliance being further configured to receive from the

update server an UUN associated with an urgent update and to immediately obtain the

urgent updates from the update server (See paragraph 005; paragraph 0013; paragraph

0031; paragraph 0075).

As to claim 29, <u>Lewis et al.</u> teaches an apparatus for providing updates to network appliances (See abstract; paragraph 005; paragraph 0013, where "apparatus" is read on "device"), comprising: means for determining an urgent update (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075); means for creating an UUN associated with the urgent update (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075); means for collecting and maintaining IP addresses of the network appliances (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075); means for sending the UUN to the network appliances as messages; and means for providing the urgent update to the network appliances (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075).

As to claim 30, <u>Lewis et al.</u> teaches an apparatus for obtaining updates (See abstract; paragraph 005; paragraph 0013, where "apparatus" is read on "device"), comprising: means for receiving a message (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075); means for determining when the message includes an UUN associated with an urgent update (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075), means for establishing a connection with a server in response to when (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075), means for obtaining the urgent update from the server; and means for

installing the urgent update (See paragraph 005; paragraph 0013; paragraphs 0031-

0033; paragraph 0075).

As to claim 31, <u>Lewis et al.</u> teaches a network appliance, comprising:

a central processing unit (See 0013, where "computer" is read on "processing

unit"; also see paragraph 0065); and

at least one data storage (See paragraph 0069; paragraph 0070);

wherein the central processing unit and the at least one data storage are

configured to enable the network appliance to receive a message (See paragraph 005;

paragraph 0013; paragraphs 0031-0033; paragraph 0075), determine if the message

includes an UUN associated with an urgent update (See paragraph 005; paragraph

0013; paragraphs 0031-0033; paragraph 0075), establish a connection with a server in

response to a determination that the message includes an UUN associated with an

urgent update (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph

0075), obtain the urgent update from the server, and install the urgent update (See

paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075).

As to claim 32, <u>Lewis et al.</u> teaches the central processing unit and the at least

one data storage are configured to enable the network appliance to detect and remove

exploits from messages (See paragraphs 0096-0100); and the urgent update

comprises software for execution by the network appliance (See paragraph 0033;

paragraph 0039; paragraph 0054).

As to claim 34, <u>Lewis et al.</u> teaches wherein the central processing unit and the at least one data storage are configured to determine if the message includes an UUN associated with an urgent update, based on a format of the message (See paragraphs 0031-0033; paragraph 0099; paragraph 0124).

As to claim 35, <u>Lewis et al.</u> teaches an update server, comprising:

a central processing unit (See 0013, where "computer" is read on "processing unit"; also see paragraph 0065); and

at least one data storage (See paragraph 0069; paragraph 0070); wherein the central processing unit and the at least one data storage are configured to enable the update server to determine an urgent update (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075), create an UUN associated with the urgent update (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075), collect and maintain IP addresses of the network appliances (See paragraph 005; paragraph 0013; paragraph 0031; paragraph 0075), send the UUN to the network appliances as messages, and provide the urgent update to the network appliances in response to messages generated by the network appliances based on the UUN (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075).

As to claim 37, <u>Lewis et al.</u> teaches wherein the urgent update comprises

software for execution by the network appliances (See paragraph 0033; paragraph

0039; paragraph 0054).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 7-11, 16-19, 22, 24-28 and 36 are rejected under 35 U.S.C. 103(a) as

being unpatentable over <u>Lewis et al.</u>, (U.S. Patent Application Publication No.

2004/0116119), in view of <u>El-Hajj et al.</u> (U.S. Patent Application Publication No.

2005/0203673).

As to claims 7, 18 and 28, <u>Lewis et al.</u> does not teach wherein providing the

urgent update to the network appliances comprises enabling the network appliances to

obtain a log that includes the urgent update; wherein obtaining the urgent update from

the server comprises obtaining a log that includes the urgent update; a network

appliance configured to access the log to obtain the updates.

<u>El-Hajj et al.</u> teaches a wireless communication framework (See abstract), in

which he teaches wherein providing the urgent update to the network appliances

comprises enabling the network appliances to obtain a log that includes the urgent

update; wherein obtaining the urgent update from the server comprises obtaining a log

that includes the urgent update (See paragraph 0140; paragraph 0257; paragraphs

0425-0431); a network appliance configured to access the log to obtain the updates

(See paragraph 0140; paragraph 0257; paragraphs 0425-0431).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Lewis et al., to include wherein

providing the urgent update to the network appliances comprises enabling the network

appliances to obtain a log that includes the urgent update; wherein obtaining the urgent

update from the server comprises obtaining a log that includes the urgent update; a

network appliance configured to access the log to obtain the updates.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Lewis et al., by the teachings of El-Haji et al.

al. because wherein providing the urgent update to the network appliances comprises

enabling the network appliances to obtain a log that includes the urgent update; wherein

obtaining the urgent update from the server comprises obtaining a log that includes the

urgent update; a network appliance configured to access the log to obtain the updates

would allow a wireless communication system and frame work that, among other things,

does not lock the vehicle and/or fleet owner into a single comprehensive, non-

distributed and non-scalable customized communication solution (See paragraph 0019).

As to claims 8 and 25, Lewis et al. as modified, teaches wherein further

comprising: collecting the IP addresses of the network appliances when the network

appliances establish a connection to obtain updates; and storing the IP addresses in a

log (See <u>Lewis et al.,</u> paragraph 0087; paragraph 0092; paragraphs 0096-0099;

paragraph 0102; also see <u>El-Hajj et al.,</u> paragraph 0140; paragraph 0257; paragraphs

0425-0431); wherein the update server is further configured to determine IP addresses

associated with the network appliances when the network appliances connect to the

update server for updates (See <u>Lewis et al.,</u> paragraph 0087; paragraph 0092;

paragraphs 0096-0099; paragraph 0102; also see <u>El-Hajj et al.,</u> paragraph 0140;

paragraph 0257; paragraphs 0425-0431).

As to claims 9 and 11, <u>Lewis et al.</u> as modified, teaches wherein further

comprising removing out-of-date IP addresses from the log (See <u>Lewis et al.,</u> paragraph

0102; paragraph 0112; paragraph 0124); wherein the IP address is up-to-date (See

<u>Lewis et al.,</u> paragraph 0102; paragraph 0112; paragraph 0124).

As to claims 10 and 26, <u>Lewis et al.</u> as modified, teaches wherein sending the

UUN to the network appliances comprises sending a message with the UUN to each IP

address in the log; wherein the update server is further configured to send the UUN to

the IP addresses (See <u>Lewis et al.,</u> paragraph 0087; paragraph 0092; paragraphs 0096-

0099; paragraph 0102; also see <u>El-Hajj et al.,</u> paragraph 0140; paragraph 0257;

paragraphs 0425-0431).

As to claim 16, <u>Lewis et al.</u> teaches wherein the message includes a special

format that distinguishes it from normal messages (See <u>Lewis et al.,</u> paragraph 0031;

paragraph 0099; paragraph 0124).

As to claim 17, Lewis et al. teaches wherein determining that the message includes a UUN comprises detecting the special format (See Lewis et al., paragraph 0099; paragraph 0124).

As to claim 19, Lewis et al. teaches obtaining updates from the server at pre-determined intervals (See Lewis et al., paragraph 0070).

As to claims 22 and 36, Lewis et al. teaches wherein the update server is further configured to collect IP addresses of the network appliances in conjunction with periodic update requests, store the IP addresses in a log, and remove an IP address from the log when the IP address is out-of-date (See Lewis et al., paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; paragraph 0112; paragraph 0124; also see El-Hajj et al., paragraph 0140; paragraph 0257; paragraphs 0425-0431); wherein the central processing unit and the at least one data storage are configured to enable the update server to collect IP addresses of the network appliances based on the messages generated by the network appliances, store the collected IP addresses, and remove out-of-date IP addresses from the at least one data storage (See Lewis et al., paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; paragraph 0112; paragraph 0124; also see El-Hajj et al., paragraph 0140; paragraph 0257; paragraphs 0425-0431).

As to claim 24, <u>Lewis et al.</u> teaches wherein the update server is further configured to enable the network appliances to connect to the update server and to obtain updates (See <u>Lewis et al.,</u> paragraph 0031).

As to claim 27, <u>Lewis et al.</u> teaches wherein the update server is further configured to maintain a log that includes the updates (See <u>Lewis et al.,</u> paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; paragraph 0112; paragraph 0124; also see <u>El-Hajj et al.,</u> paragraph 0140; paragraph 0257; paragraphs 0425-0431).

Response to Arguments

7.   Applicant's arguments filed on 14-March-2006, with respect to the rejected claims 1-37 have been fully considered but they are not found to be persuasive:

In response to applicants' arguments regarding Lewis et al. "fails to disclose or suggest the concept of UUN, in particular of a UUN being generated and sent or pushed to a user, and the user responding to the UUN by pulling an urgent update associated with or indicated by the UUN", the arguments have been fully considered but are not found to be persuasive, because no such claim language exists within the claims as currently written. None of the claims disclose "the user responding to the UUN by pulling an urgent update associated with or indicated by the UUN". As the claims are written an urgent update notification is created and pushed or sent to network appliances as claimed in claim 1. Nowhere does claim 1 disclose a user responding to the UUN as

applicant is arguing. Lewis et al. discloses creating and sending/pushing urgent

information messages from a host to the hand held devices/appliances of users (See

paragraphs 0031-0033), as disclose in the claims. Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 26, 2006
MMC

SAM RIMELL
PRIMARY EXAMINER